

FILED

JUN 13 2016

**OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS**

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

PATRICK J HIGGINS,

Plaintiff,

vs.

STATE OF MISSISSIPPI,

Defendant

Case No.: 2014-CA-251-COA

MOTION TO REMAND TO TRIAL COURT TO
VACATE JUDGMENT AND ORDER NEW TRIAL
DUE TO CONFLICT OF INTEREST

ORIGINAL

Now comes the Plaintiff, Patrick J. Higgins, pro se, who moves that the Court vacate the Judgment entered by the Court of Appeals on June 7, 2016 and remand this case to the Circuit Court with an order to vacate the Judgment entered on January 24, 2014 and reassign this case to a new Judge due to a conflict of interest by Judge M. James Chaney, Jr, citing as cause therefore the following:

1. After receiving the opinion of the Court of Appeals in Appeal No. 2014-251, affirming the Judgment entered by Judge Chaney on January 24, 2014, the Plaintiff began to review all of the discovery documents that he had been provided by his attorneys in this case.
2. In reviewing the documents, the Plaintiff discovered a letter dated July 26, 1994 from his then criminal attorney Frank J Campbell notifying him that he had to withdraw from representing him due to a conflict of interest.
3. Upon closer review of the July 24, 1994 letter, the plaintiff noticed that the law firm of Teller, Martin, Chaney and Hassell consisted of the Judge in this case, M. James Chaney, Jr. being an attorney with whom Frank J. Campbell was a member of the firm.
4. Since attorney Frank J Campbell of the law firm of Teller, Martin, Chaney and Hassell had a conflict of interest in representing the plaintiff in the original criminal case, (11, 703P) it would stand to reason that Judge M. James Chaney, Jr, also would have had a conflict of interest and that he should have recused himself from any involvement in this case.

MOTION TO REMAND TO TRIAL COURT TO VACATE JUDGMENT AND ORDER NEW TRIAL DUE TO CONFLICT OF INTEREST - 1

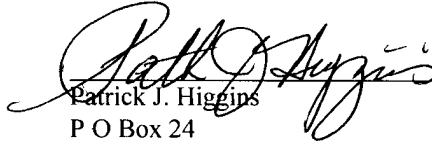
MOTION#

2016

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1 Wherefore, the Plaintiff respectfully requests that the Court enter an Order vacating the Judgment
2 he entered in this case by the Court of Appeals on June 7th, 2016 and enter an order remanding this case to the Circuit
3 Court to vacate the Judgment entered on January 24, 2014 and order that a new trial be heard in this case before a
4 different impartial Judge.

5 Dated this 8th of June, 2016.

6
7 
8 Patrick J. Higgins
9 P O Box 24
10 Swansea MA 02777
11 patrick@patrickhiggins.me

12 CERTIFICATE OF SERVICE

13 I, Patrick Higgins, do certify that I have sent a copy of this Motion to the State of Mississippi by mailing a copy of
14 same to Attorney Alison O'Neal Mc Minn, P O Box 220, Jackson, MS 39225-0220; and Judge M. James Chaney, Jr.
15 Warren County Circuit Court, P O Box 351, Vicksburg, MS 39181 by first class mail, postage prepaid, on this the 8th
16 day of June, 2016.

17 
18 Patrick Higgins
19 June 8, 2016.
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LAW OFFICES OF
TELLER, MARTIN, CHANEY & HASSELL

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LANDMAN TELLER, JR.
M. JAMES CHANEY, JR.
DOUGLAS E. HASSELL
J. ALLEN DERIVAUX, JR.
FRANK J. CAMPBELL

LANDMAN TELLER
BURKETT H. MARTIN
OF COUNSEL

M. EMMETT WARD (1909-1989)

July 26, 1994

HAND DELIVERY TO JAIL

Mr. Patrick Higgins
Warren County Jail
Vicksburg, Mississippi 39180

RE: Indictment 11703P and 11704P

Dear Patrick:

As I stated to you at the jail, due to a potential conflict of interest, I can no longer represent you regarding any criminal indictment or allegations.

Regards,



FRANK J. CAMPBELL

FJC/jd

